

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

565L0491

SENATE BILL NO. 123

Introduced by: Senators Kooistra and Gray and Representatives Kroger, Brunner, and
McCoy

1 FOR AN ACT ENTITLED, An Act to provide for an order of joint physical care over certain
2 children whose parents exercise joint legal custody.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If joint legal custody is awarded, pursuant to § 25-5-7.1, to both parents, the court may also
7 award joint physical care to both custodial parents upon the request of either parent. If the court
8 denies a request for joint physical care, the determination shall be accompanied by specific
9 findings of fact and conclusions of law that the awarding of joint physical care is not in the best
10 interest of the child.

